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|------------------------------|-------------|----------------------|---------------------|------------------|
| APPLICATION NO.              | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/606,565                   | 06/26/2003  | Nambirajan Seshadri  | 14169US02           | 4707             |
| 23446                        | 7590        | 06/09/2008           | EXAMINER            |                  |
| MCANDREWS HELD & MALLEY, LTD |             |                      | WONG, BLANCHE       |                  |
| 500 WEST MADISON STREET      |             |                      | ART UNIT            | PAPER NUMBER     |
| SUITE 3400                   |             |                      | 2619                |                  |
| CHICAGO, IL 60661            |             |                      |                     |                  |
| MAIL DATE DELIVERY MODE      |             |                      |                     |                  |
| 06/09/2008 PAPER             |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |
|------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/606,565 | <b>Applicant(s)</b><br>SESHADRI ET AL. |
|                              | <b>Examiner</b><br>BLANCHE WONG      | <b>Art Unit</b><br>2619                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 April 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on November 30, 2007 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1668)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "providing service initially to at least one of a plurality of access devices in the mesh network by said first wireless access point located in said first cell, wherein each of said at least one of said plurality of access devices generates and maintains a handoff candidate list on its own without being prompted to do so by another device; and servicing said at least one of a plurality of access devices by said at least a second wireless access point located in said second cell, whenever a signal for said at least one of a plurality of access devices fails below a specified threshold, wherein said at least a second wireless access point is selected from said handoff candidate list" (in claims 1,11,21) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

***Claim Objections***

3. Claims 1-3,11,12,21,22 are objected to because of the following informalities:

With regard to claim 1, Examiner suggests replacing "said second wireless access point" in line 13 with "said at least a second wireless access point" in consistent with the claim language.

With regard to claim 2, Examiner suggests replacing "said at least a second cell" in line 1 with "said second cell" in consistent with the claim language.

With regard to claim 3, Examiner suggests replacing "said at least a second access point" in line 3 with "said at least a second wireless access point" in consistent with claim language.

With regard to claim 11, Examiner suggests replacing "said second wireless access point" in line 16 with "said at least a second wireless access point" in consistent with the claim language.

With regard to claim 12, Examiner suggests replacing "said at least a second cell" in line 2 with "said second cell" in consistent with the claim language.

With regard to claim 21, Examiner suggests replacing "said second wireless access point" in line 14 with "said at least a second wireless access point" in consistent with the claim language.

With regard to claim 22, Examiner suggests replacing "said at least a second cell" in line 1 with "said second cell" in consistent with the claim language.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. **Claims 1-30** are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for one or more transmit and receive frequencies may be assigned as communication channels to provide communication between access point 502a and access point 504a using beam forming antenna path, wherein the assigned channels may constitute a backbone channel 506 (See para. 54), does not reasonably provide enablement for "providing service initially to at least one of a plurality of access devices in the mesh network by said first wireless access point located in said first cell, wherein each of said at least one of said plurality of access devices generates and maintains a handoff candidate list on its own without being prompted to do so by another device; and servicing said at least one of a plurality of access devices by said at least a second wireless access point located in said second cell, whenever a signal for said at least one of a plurality of access devices fails below a specified threshold, wherein said at least a second wireless access point is selected from said handoff candidate list", as recited in claims 1,11,21. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

Furthermore, it is unclear how the handoff candidate list in each of said at least one of said plurality of access devices are updated, or whether each of the handoff candidate list is static.

Claims 2-10,12-20,22-30 are rejected because they depend from claims 1,11,21 respectively.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 1-30** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, it is unclear what is meant by or where to reference "servicing within the mesh network" in line 10, who is serving and who is being served. That is, whether said at least one of a plurality of access devices is serviced by said at least a second wireless access point located in said second cell.

With regard to claim 7, it is unclear whether the uplink and downlink channels each comprises a backhaul channel, or whether a backhaul channel comprises of both uplink and downlink channels.

With regard to claim 10, it is unclear who "determines" in line 3.

With regard to claim 11, it is unclear what is meant by or where to reference "servicing within the mesh network" in line 13, who is serving and who is being served. That is, whether said at least one of a plurality of access devices is serviced by said at least a second wireless access point located in said second cell.

With regard to claim 17, it is unclear whether the uplink and downlink channels each comprises a backhaul channel, or whether a backhaul channel comprises of both uplink and downlink channels.

With regard to claim 20, it is unclear who "determines" in line 3.

With regard to claim 21, it is unclear what is meant by or where to reference "servicing within the mesh network" in line 11, who is serving and who is being served. That is, whether said at least one of a plurality of access devices is serviced by said at least a second wireless access point located in said second cell.

With regard to claim 27, it is unclear whether the uplink and downlink channels each comprises a backhaul channel, or whether a backhaul channel comprises of both uplink and downlink channels.

With regard to claim 30, it is unclear who "determines" in line 3.

8. There is insufficient antecedent basis for this limitation in the claim.

Claim 10, lines 1-2, "at least one of said first wireless access point".

Claim 20, lines 1-2, "at least one of said first wireless access point".

Claim 30, lines 1-2, "at least one of said first wireless access point".

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2619

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLANCHE WONG whose telephone number is (571)272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blanche Wong/  
Examiner, Art Unit 2619  
June 3, 2008

/Edan Orgad/  
Supervisory Patent Examiner, Art Unit 2619